

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:01-cr-00185-FDW

UNITED STATES OF AMERICA, )  
                                )  
                                )  
vs.                            )  
                                )  
(1) LINWOOD GERALD KENNY, )                           ORDER  
                                )  
Defendant.                 )  
                                )  
                                )

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THIS MATTER is before the Court on Defendant's pro se Petition for Home Confinement Release under the CARES Act. (Doc. No. 280). Also before the Court is Defendant's pro se Motion to Appoint Counsel. (Doc. No. 279).

The Court hereby ORDERS the Government to respond to Defendant's motions. The Government shall have **sixty (60) days** from the date of this Order to file its response with the Court. The Government shall advise the United States Probation Office if the Government believes a supplemental Presentence Investigation Report will be required.

With respect to his Motion to Appoint Counsel, criminal defendants have no right to counsel beyond their first appeal. E.g., United States v. Ismel, No. 3:94-CR-00008-1, 2012 WL 113392, at \*1 (W.D. Va. Jan. 13, 2012). Defendant has not shown extraordinary circumstances warranting the appointment of counsel at this time. The Motion to Appoint Counsel (Doc. No. 279) is therefore DENIED.

IT IS SO ORDERED.

Signed: April 29, 2020



Frank D. Whitney  
Chief United States District Judge

